

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE KNIT WITH,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
KNITTING FEVER, INC.,	:	
DESIGNER YARNS, LTD.,	:	
FILATURA PETTINATA V.V.G. DI	:	
STEFANO VACCARI & C., SION	:	NO. 08-4221
ELALOUF, DIANE ELOUF, JEFFREY J.	:	
DENECKE, JR., JAY OPPERMAN, and	:	
DEBBIE BLISS,	:	
	:	
Defendants.	:	

THE KNIT WITH,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	
	:	
EISAKU NORO & CO., LTD.,	:	
KNITTING FEVER, INC.,	:	
SION ELALOUF, DIANE ELALOUF,	:	NO. 08-4775
and JAY OPPERMAN,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 27th day of *June*, 2012, upon consideration of **(1)** the Motion by Defendants Knitting Fever, Inc. (“KFI”), Sion Elalouf, Diane Elalouf, Jeffrey J. Denecke, Jr., and Jay Opperman (collectively, the “KFI Defendants”) to Strike Exhibit 3 of Plaintiff’s Motion for Summary Judgment on the Factual Question of the 2005 Delivery of Cashmerinos (Docket No. 362) and Plaintiff The Knit With’s (“TKW”) Response (Docket No. 377); **(2)** Plaintiff’s Motion to Strike Exhibit B to Defendants’ Motion for Summary Judgment for Breach of Warranty

(Docket No. 352), and the KFI Defendants' Response (Docket No. 373); **(3)** the KFI Defendants' Motion for Summary Judgment on Counts I and II of Plaintiff's Complaint (Docket No. 327), Plaintiff's Response (Docket No. 353), and the KFI Defendants' Reply Brief (Docket No. 382); and **(4)** Plaintiff's Motion for Summary Judgment on the Undisputed Factual Question of the 2005 Delivery of Cashmerinos (Docket No. 350), the KFI Defendants' Response (Docket No. 364), Plaintiff's Reply Brief (Docket No. 380), and the KFI Defendants' Sur-reply (Docket No. 398),¹ it is hereby **ORDERED** as follows:

1. The KFI Defendants' Motion to Strike Exhibit 3 of Plaintiff's Motion for Summary Judgment on the Factual Question of the 2005 Delivery of Cashmerinos (Docket No. 362) is **GRANTED IN PART** and paragraph 4 of that Exhibit is **STRICKEN**;
2. Plaintiff's Motion to Strike Exhibit B to Defendants' Motion for Summary Judgment for Breach of Warranty (Docket No. 352) is **DENIED**;
3. The KFI Defendants' Motion for Summary Judgment on Counts I and II of Plaintiff's Complaint (Docket No. 327) is **GRANTED**;
4. Plaintiff's Motion for Summary Judgment on the Undisputed Factual Question of the 2005 Delivery of Cashmerinos (Docket No. 350) is **DENIED**; and
5. **JUDGMENT IS ENTERED** in favor of the KFI Defendants and against Plaintiff on Counts I and II of the Complaint.

It is so **ORDERED**.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.

¹ As noted in the Memorandum accompanying this Order, Plaintiff also filed a "Brief in Sur-reply Supporting Summary Judgment on the 2005 Cashmerino Delivery" (Docket No. 392). Because this document was not authorized by this Court's May 3, 2012 Order, the Court will not consider it.